

6:59pm-The Lord's Prayer & Moment of Silence

Shelby City Council Agenda
Monday, September 21, 2020

COUNCIL CHAMBERS

29 MACK AVENUE

Shelby, Ohio

7:00 p.m.

Call to Order and Pledge of Allegiance

Roll Call:

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Dispense with Reading of Journal from September 8, 2020

Moved _____ 2ND _____

Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

Public Comment

Richland Area Chamber & Economic Development—Jodie Perry

Economic Development Liaison—Jessica Gribben

Reports from Standing and Special Committees

Finance & Personnel Committee—Garland John Gates

Utilities & Street Committee—Nathan Martin

Reports of City Officials

Steven L. Schag—Mayor

Brian A. Crum—Director of Finance

Gordon M. Eyster—Law Director

Joe Gies—Project Coordinator

New Business

Unfinished Business

Future Use of Main Street Fire Station—ORC Section 721.01—Future letter in regard to real estate as needed or not needed for any municipal purpose

Exterior Property Maintenance—59 West Main Street

Legislation

ORDINANCE NO 19-2020

AMENDING CHAPTER 1466 (FLOOD DAMAGE PREVENTION) SECTION 1466.24 (USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION) (D)(4) (RESIDENTIAL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO

3RD READING

Moved _____ 2ND _____
Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

PASSAGE OF ORDINANCE

Moved _____ 2ND _____
Mr. Roub _____ Mr. Roberts _____ Mr. Gates _____ Mr. Martin _____ Mr. McLaughlin _____

ORDINANCE NO 23-2020

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, WITH THE RICHLAND AREA CHAMBER OF COMMERCE, TO ASSIST THE CITY IN THE PLANNING AND ADMINISTRATION OF CARES ACT FUNDS DEVOTED TO THE SMALL BUSINESS COMMUNITY FUND TO ASSIST IN RECOVERY, AND DECLARING AN EMERGENCY

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

Moved 2ND

Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND

Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

ORDINANCE NO 24-2020

AMENDING ORDINANCE NO 8-2020 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY

Motion that the rule requiring that an ordinance be read on three separate occasions be suspended

Moved 2ND

Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

PASSAGE OF ORDINANCE

Moved 2ND

Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION NO 41-2020

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Moved 2ND

Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION NO 42-2020

APPROVING WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE AND DECLARING AN EMERGENCY

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION 43-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY STREETSCAPE PROJECT

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

RESOLUTION NO 44-2020

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO APPLY FOR THE OHIO HISTORY CONNECTION OHIO HISTORY FUND GRANT FOR THE SCANNING AND DIGITIZATION OF CITY RECORDS AND DECLARING AN EMERGENCY

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

Miscellaneous Business

Adjournment at p.m.

Moved 2ND
Mr. Roub Mr. Roberts Mr. Gates Mr. Martin Mr. McLaughlin

1st Reading
8/17/2020

2nd Reading
9/8/2020

ORDINANCE NO. 19 -2020
(Sponsors: Councilmembers Roberts and Roub)

AMENDING CHAPTER 1466 (FLOOD DAMAGE PREVENTION) SECTION 1466.24 (USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION) (d)(4) (RESIDENTIAL STRUCTURES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, changes have been made to the requirements of National Flood Insurance Program Community Rating System administered by the United States Federal Emergency Management Agency; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that Chapter 1466 (Flood Damage Prevention) be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That Chapter 1466 (Flood Damage Prevention), Section 1466.24 (Use and Development Standards For Flood Hazard Reduction), (d) (4) (Residential Structures) be amended to read as follows:

(4) New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one foot above the flood protection elevation.

Section 2: That all other language in Chapter 1466 (Flood Damage Prevention), Section 1466.24 (Use and Development Standards For Flood Hazard Reduction) shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of the Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

ORDINANCE NO. 23 - 2020
(Sponsor- Councilmember Gates)

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT, WITH THE RICHLAND AREA CHAMBER OF COMMERCE, TO ASSIST THE CITY IN THE PLANNING AND ADMINISTRATION OF CARES ACT FUNDS DEVOTED TO THE SMALL BUSINESS COMMUNITY FUND TO ASSIST IN RECOVERY, AND DECLARING AN EMERGENCY.

WHEREAS, the Richland Area Chamber & Economic Development is administering a program for CARES Act eligible grants using funds pooled from Richland County CARES Act recipient governmental entities; and

WHEREAS, small businesses in the (Municipality) have been adversely impacted by the COVID-19 pandemic; and

WHEREAS, the City has received CARES Act funds and wishes to join Richland County in the program and to assist small businesses affected by the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor is hereby, authorized to enter into a contract, with the Richland County Area Chamber of Commerce to assist the City in the planning and administration of CARES Act funds devoted to the Small Business Community Fund to Assist in Recovery.

Section 2: That City Council does hereby approve the expenditure of funds received under the CARES Act, in accordance with the requirements of section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 601(d), and any applicable regulations.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council


APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Lyster
Director of Law

ORDINANCE NO. 24 - 2020
(Sponsor – Councilmember Gates)

AMENDING ORDINANCE NO.: 8-2020 (ANNUAL APPROPRIATIONS) AND DECLARING AN EMERGENCY.

WHEREAS, on March 23, 2020, the Council of the City of Shelby passed its Annual Appropriations Ordinance as required by the Ohio Revised Code §5705.38; and

WHEREAS, it is necessary to increase line items within the 2020 budget and to fund said line items with previously unappropriated monies; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that these additional appropriations be made effective so as to balance the books for the calendar year 2020 and so as to fund necessary expenditure and/or projects.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: The Ordinance No.: 8-2020 (Annual Appropriations) is hereby amended as follows:

THE PURPOSE OF THIS ORDINANCE IS TO INCREASE EXPENDITURES

354-PCC-536	Construction	\$ 20,000.00
402-SIF-536	Construction	\$ 80,000.00
600-DCP-572	System Upgrades	\$ 20,000.00
200-STR-536	Construction	\$1,420,000.00

Section 2: That all other portions of Ordinance No.: 8-2020, not modified expressly herein, shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance is hereby deemed to be an emergency so as to meet the ongoing contractual and/or monetary obligations of the City of Shelby Ohio and, therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven D. McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Byster
Director of Law

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)

Revised Code, Secs. 5705.34-5705.35

RESOLUTION NO. 41-2020
(SPONSOR - COUNCILMEMBERS GATES & MARTIN)

The Council of the City of Shelby, Richland

County, Ohio, met in Regular session on September 18, 2020
(Regular Or Special)

at the office of Shelby City Council with the following members present:

Mr. ~~Mrx~~ Charles Roub, First Ward
Mr. ~~Mrx~~ Derrin Roberts, Second Ward
Mr. ~~Mrx~~ Garland John Gates, Third Ward
Mr. ~~Mrx~~ Nathan Martin, Fourth Ward
Mr. ~~Mrx~~ Steven McLaughlin, Councilperson at Large
Mr. /Mrs.
Mr. /Mrs.

Mr. ~~Mrx~~ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted
a Tax Budget for the next succeeding fiscal year commencing January 1st, 2021 ; and
Year

WHEREAS, The Budget Commission of Richland County, Ohio, has
certified its action thereon to this Council together with an estimate by the County Auditor of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and what part within,
the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of Shelby

Richland County, Ohio, that the amounts and rates, as determined by the
Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to Be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	\$218,000.00		2.00	
Police Pension	\$36,000.00		0.30	
Fire Pension	\$36,000.00		0.30	
Park Fund		\$180,000.00		1.50
Health Fund		\$192,000.00		1.90
TOTAL	\$290,000.00	\$372,000.00	2.60	3.40

**SCHEDULE B
LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Auditor's Est. of Yield of Levy (Carry to Schedule A, Column II)
<p>GENERAL FUND:</p> <p>Current Expense Levy authorized by voters on for not to exceed years.</p> <p>SPECIAL LEVY FUNDS:</p> <p>Park Fund Levy authorized by voters on November 8, 2016 for not to exceed 5 years. TY 17-21</p> <p>Park Fund Levy authorized by voters on November 4, 2019 for not to exceed 5 years. TY 20-24</p> <p>Health Fund Levy authorized by voters on November 8, 2016 for not to exceed 5 years. TY 17-21</p> <p>Health Fund Levy authorized by voters on November 4, 2019 for not to exceed 5 years. TY 20-24</p>	<p>0.50</p> <p>1.00</p> <p>0.90</p> <p>1.00</p>	<p>\$180,000.00</p> <p>\$192,000.00</p>

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. / ~~Mrs.~~ _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. / ~~Mrs.~~ Roub _____*
- Mr. / ~~Mrs.~~ Roberts _____*
- Mr. / ~~Mrs.~~ Gates _____*
- Mr. / ~~Mrs.~~ Martin _____*
- Mr. / ~~Mrs.~~ McLaughlin _____*
- Mr. / Mrs. _____*
- Mr. / Mrs. _____*

Adopted the 21st day of September, 2020

Attest:

Brian A. Crum
 Steven McLaughlin

Clerk of Council
 President of Council
 Mayor, Steven L. Schag

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Richland County, ss.

I, Brian A. Crum, Clerk of the Council of

City of Shelby, in said County, and in whose custody the Files

and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby
certify that the foregoing is taken and copied from the original Resolution No. 41-2020

now on file with said Board, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this 21st day of September, 2020

Clerk of Council

City of Shelby of Richland County, Ohio

A copy of this resolution must be certified to the County Auditor within the time prescribed by O.R.C. Sec. 5705.34, or at such a later date as may be approved by the Board of Tax Appeals

No. _____

(CITY COUNCIL)

City of Shelby

Richland County, Ohio.

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES
AS DETERMINED BY THE BUDGET
COMMISSION AND AUTHORIZING THE
NECESSARY TAX LEVIES AND CERTIFYING
THEM TO THE COUNTY AUDITOR.

(CITY COUNCIL)

Adopted _____, 2020

Clerk of Council

Filed _____, 20 ____

County Auditor

By _____
Deputy.

RESOLUTION NO. 42 -2020
(Sponsors: Councilmembers Gates and Martin)

APPROVING WEED ASSESSMENTS AS ISSUED BY THE DIRECTOR OF PUBLIC SERVICE AND DECLARING AN EMERGENCY.

WHEREAS, Codified Ordinance 662.04 requires the Director of Public Service to notify owners of an assessment for the cutting and removal of offensive and noxious weeds, vines, and grass by the City of Shelby; and

WHEREAS, the Director of Public Service has served said notices on multiple properties within the City of Shelby, Ohio; and

WHEREAS, before the Clerk of Council can certify these assessments to the County Auditor for inclusion on the tax duplicate, Codified Ordinance 662.04 requires that City Council approve said assessment; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Council of the City of Shelby approve the assessments as prepared by the Director of Public Service so that the Clerk of Council can certify said assessments to the County Auditor for inclusion on the tax duplicate.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Council of the City of Shelby hereby approves the list of assessments as prepared by the Director of Public Service and attached hereto as "Exhibit A".

Section 2: That the Clerk of Council shall certify said assessments to the Richland County Auditor for inclusion on the tax duplicate for collection.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution is hereby deemed to be an emergency and therefore shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

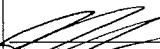
APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 43 -2020
(Sponsor: Councilmember Martin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR THE CITY OF SHELBY STREETSCAPE PROJECT.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivision for capital improvement to public infrastructures; and

WHEREAS, the City of Shelby is planning to make capital improvements with the Shelby Streetscape Project; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service be authorized to apply for said funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the Mayor as Director of Public Service is hereby authorized to apply to the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Programs for financial assistance for capital improvements to public infrastructure for the Shelby Streetscape Project.

Section 2: That the Mayor as Director of Public Service is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 4: That this Resolution shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____

Brian A. Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law

RESOLUTION NO. 44 -2020
(Sponsor: Councilmember McLaughlin)

AUTHORIZING THE MAYOR AS DIRECTOR OF PUBLIC SERVICE TO APPLY FOR THE OHIO HISTORY CONNECTION OHIO HISTORY FUND GRANT FOR THE SCANNING AND DIGITIZATION OF CITY RECORDS AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio History Connection provides financial assistance for maintaining history through the Ohio History Fund; and

WHEREAS, the City of Shelby Historical Preservation Commission desires financial assistance under the Ohio History Fund to scan and digitize historical Shelby records; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that the Mayor as Director of Public Service of City of Shelby apply for the Ohio History Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A TWO-THIRDS (2/3) MAJORITY ELECTED THERETO CONCURRING:

Section 1: That the City of Shelby Council approves an application for financial assistance from the Ohio History Fund to scan and digitize historical Shelby records.

Section 2: That the Mayor as Director of Public Safety is hereby authorized and directed to execute and file an application with the Ohio History Connection and to provide all information and documentation required to become eligible for possible funding assistance.

Section 3: That the City of Shelby does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the Ohio History Fund Program.

Section 4: That all meetings and hearings concerning the adoption of this Resolution have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22 and the Charter of the City of Shelby, Ohio.

Section 5: That this Resolution is hereby deemed to be an emergency and therefore, shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

APPROVED:

ATTEST: _____
Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:

Gordon M. Eyster
Director of Law